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CONNERS  
& BERRY

REC'D TN  
REGULATORY AUTH.

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February 26, 2001

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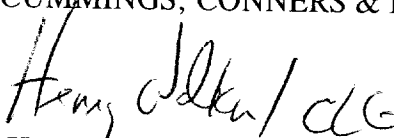
*In Re: Petition for Arbitration of DIECA Communications, Inc. d/b/a COVAD  
Communications Company for Arbitration of Certain Terms and Conditions of Proposed  
Agreement with BellSouth Telecommunications, Inc. Concerning Interconnection and  
Resale Under the Telecommunications Act of 1996  
Docket No. 00-01130*

Dear David:

Please find enclosed the original and thirteen copies of Covad Communications Company's  
First Data Requests to BellSouth Telecommunications, Inc.

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By:

  
Henry Walker

HW/nl  
Attachment  
c: Parties

**BEFORE THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE**

<b>In re:</b>	)	
<b>Petition for Interconnection Arbitration</b>	)	
<b>By DIECA Communications, Inc., d/b/a</b>	)	<b>Docket No. 00-01130</b>
<b>Covad Communications Company, Inc.</b>	)	
<b>Against BellSouth Telecommunications, Inc.</b>	)	

**COVAD COMMUNICATIONS COMPANY'S FIRST DATA REQUESTS TO  
BELLSOUTH TELECOMMUNICATIONS, INC.**

DIECA Communications, Inc. d/b/a Covad Communications Company ("Covad"), by and through its undersigned counsel, hereby serves its First Data Requests to BellSouth Telecommunications, Inc. ("BellSouth"). These Data Requests are to be answered under oath by officers or agents of BellSouth who are qualified to answer and who shall be fully identified.

**DEFINITIONS**

1. "BellSouth" means BellSouth Telecommunications, Inc, its present and former officers, employees, agents, representatives, directors, and all other persons acting or purporting to act on behalf of BellSouth Telecommunications, Inc.
2. The terms "you" and "your" refer to BellSouth.
3. The term "person" means any natural person, corporation, corporate division, partnership, other unincorporated association, trust, government agency, or entity.
4. The term "document" shall have the broadest possible meaning under applicable law. "Document" means every writing or record of every type and description that is in the possession, custody or control of BellSouth, including, but not limited to, correspondence, memoranda, drafts, workpapers, summaries, stenographic or handwritten notes, studies, publications, books, pamphlets, reports, surveys, minutes or statistical compilations, computer

and other electronic records or tapes or printouts, including, but not limited to, electronic mail files; and copies of such writings or records containing any commentary or notation whatsoever that does not appear in the original. The term “document” further includes, by way of illustration and not limitation, schedules, progress schedules, time logs, drawings, computer disks, charts, projections, time tables, summaries of other documents, minutes, surveys, work sheets, drawings, comparisons, evaluations, laboratory and testing reports, telephone call records, personal diaries, calendars, personal notebooks, personal reading files, transcripts, witness statements and indices.

5. The term “referring or relating to” means consisting of, containing, mentioning, suggesting, reflecting, concerning, regarding, summarizing, analyzing, discussing, involving, dealing with, emanating from, directed at, pertaining to in any way, or in any way logically or factually connected or associated with the matter discussed.

6. “And” or “or” as used herein shall be constructed both conjunctively and disjunctively and each shall include the other whenever such construction will serve to bring within the scope of these discovery requests and information that would not otherwise not be brought within their scope.

7. The singular as used herein shall include the plural and the masculine gender shall include the feminine and the neuter.

8. “Identify” or “identifying” or “identification” when used in reference to a natural person means to state:

- a) the full legal name of the person;
- b) the name, title and employer of the person at the time in question;
- c) the present or last known employer of such person;
- d) the present or last known home and business addresses of the person; and

- e) the present home address.

9. “Identify” or “identifying” or “identification” when used in reference to a person other than a natural person means to state:

- a) the full name of the person and any names under which it conducts business;
- b) the present or last known address of the person; and
- c) the present or last known telephone number of the person.

10. “Identify” or “identifying” or “identification” when used in reference to a document means to provide with respect to each document requested to be identified by these discovery requests a description of the document that is sufficient for purposes of a request to produce or a subpoena duces tecum, including the following:

- a) the type of document (e.g., letter, memorandum, etc.);
- b) the date of the document;
- c) the title or label of the document;
- d) the Bates number or other identifier used to number the document for use in litigation;
- e) the identity of the originator;
- f) the identify of each person to whom it was sent;
- g) the identify of each person to whom a copy or copies were sent;
- h) a summary of the contents of the document;
- i) the name and last known address of each person who presently has possession, custody or control of the document; and
- j) if any such document was, but is not longer, in your possession, custody or control or is no longer in existence, state whether it: (1) is missing or lost; (2) has

been destroyed; or (3) has been transferred voluntarily or involuntarily, and, if so, state the circumstances surrounding the authorization for each such disposition and the date of such disposition.

### **DATA REQUESTS**

1. With regard to Issue 5(a), Covad requests that BellSouth provide information illustrating how long it has taken BellSouth in Tennessee, since August 1999, to provision unbundled ADSL, HDSL, UCL, and ISDN (UDC/IDSL) loops for Covad. BellSouth's response should include data which shows, by month, the number of loops provided, the average provisioning interval for those loops, and a description of how BellSouth measures the loop delivery interval.
2. Please provide information illustrating how long it takes BellSouth, on average, to provision unbundled voice grade (SL1) loops and voice grade loops for BellSouth retail operations in Tennessee, since August 1999.
3. In response to Issue 5(a), BellSouth states that, "BellSouth is obligated to provide these facilities in a non-discriminatory manner, . . . Covad is not entitled to have these network elements provisioned more rapidly than BellSouth makes these facilities available to itself or its affiliates." Please explain in detail which facilities and which affiliates in Tennessee, since August 1999, BellSouth is comparing its provisioning of xDSL loops to Covad, such that BellSouth concludes that it is provisioning these in a non-discriminatory manner.
4. In response to issue 5(a), BellSouth states that it has made a manual process for loop makeup information available to Covad. Please provide information regarding the number of manual loop makeup information inquiries conducted on behalf of BellSouth retail operations

in Tennessee, since August 1999, including those for BellSouth.net, and the duration by month of the response time for those loop makeup inquiries.

5. In response to issue 5(b), BellSouth states that “BellSouth’s interval for IDSL compatible loops, . . . is non-discriminatory and is 5-7 days after the FOC is returned.” Please provide data that shows the average loop delivery interval by month of BellSouth’s retail ISDN loops in Tennessee since August 1999.

6. In response to Issue 5(c), BellSouth indicates that conditioning loops takes time. Please provide data which shows the average duration of time it takes from placing an order to condition a loop for retail ISDN or T1 service in Tennessee, since August 1999 to the time that work is completed.

7. In response to Issue 6, please provide data that shows the number of times BellSouth has altered or changed the firm order commitment (delivery date) for a loop for Covad in Tennessee since August 1999. Your response should include information illustrating how many days in advance of the delivery date BellSouth changed the scheduled loop delivery date.

8. With regard to Issue 7, please describe the steps BellSouth has taken in Tennessee, since August 1999, to understand how other incumbent carriers provide DSL service without requiring that loops be designed. Your response should include a explanation of any contacts made by BellSouth’s loop product groups with any other incumbent carriers and BellSouth’s understanding as to how other carriers provision identical loops to competitive carriers.

9. Please provide data showing the number of times which BellSouth in Tennessee, since August 1999, has reported no trouble found, only to later recognize a BellSouth problem on a Covad loop, that the earlier BellSouth technicians either did not find or did not fix.

10. Please provide information showing what type of OSS charges or other ordering charges, either manual or electronic, are imposed in Tennessee on BellSouth retail DSL customers since August 1999. Your answer should include an explanation of how those charges were developed, how those charges are imposed, and whether those charges are ever waived.

11. Please describe in detail the charges BellSouth in Tennessee seeks to impose on Covad, including a specific dollar amount, for each order Covad places and then must cancel after BellSouth fails to timely provision the loop since August 1999.

12. Please describe whether BellSouth retail DSL customers and BellSouth Internet service provider customers are charged for work done in processing a local service request that is later cancelled for any reason. Your response should include the exact dollar amount of such charges imposed on BellSouth's Internet service provider partners or BellSouth retail customers and the number of times such charge has been imposed since August 1999.

13. Please describe any systems, methods or procedures in which BellSouth in Tennessee places an identifier on a loop such that that loop will not be changed to a different facility or otherwise altered. Your response should include a description of the hands-off database ("HAL"), procedures used to identify the UDC/IDSL loop, and any other methods or procedures by which BellSouth indicates to technicians in the field that certain loops should not be disturbed.

14. Please provide data showing the installation interval for every splitter installed by BellSouth in Tennessee in response to a Covad order since June 2000. Included in your response should be the entire time from which the order was placed with the BellSouth vendor of splitters to the time final installation was completed.

15. Please indicate by date for each splitter installed as a result of a Covad order in Tennessee the date on which BellSouth certified that splitters were functioning properly, including any instances in which BellSouth had to recertify the functionality of the splitters as a result of meetings with the FCC since June 2000.

16. Please describe BellSouth's quality control procedures in place in Tennessee since June 2000 to monitor splitter installation.

17. In response to Issue 18, BellSouth admits that it, "owes Covad non-discriminatory access to unbundled network elements." Please provide information showing the average installation interval, by month since August 1999, for BellSouth DSL service provided over a voice facility in Tennessee.

18. Please provide data showing the average loop delivery interval for Covad line shared orders in Tennessee since September 1, 2000.

19. In response to Issue 20, please provide data that shows how many of the splitters installed in Tennessee recertified by BellSouth were not functioning properly at the time prior to the recertification since June 2000.

20. Please describe the process by which BellSouth retail customers or BellSouth ISP customers purchasing DSL service from BellSouth in Tennessee obtain notification that BellSouth has completed its central office work necessary to provision a loop for DSL service. Your response should include the efforts BellSouth makes to ensure that this information is accurate and timely conveyed.

21. Please describe whether BellSouth in Tennessee, since August 1999, has access to all points of interconnection on a voice grade loop on which Covad is providing data services,



including a description of whether BellSouth technicians may need to check the various points of interconnection to ensure that the loop is properly provisioned and functioning.

22. Please explain the process BellSouth expects Covad to use to report troubles on a line shared loop, including the BellSouth's time commitment for resolving those troubles.

23. Please explain BellSouth's rationale in Tennessee for requiring CLECs to return collocation space to the condition it was prior to being provisioned to a competitor. Your description should include, by month since August 1999, a discussion of why racking, cabling, bays, and other structures should be dismantled when one CLEC chooses to exit a central office, even though there may be additional CLECs on the waiting list that would be anxious to acquire that already-provisioned space.

24. Please describe the work necessitated by BellSouth's desire to change the demarcation point for collocation from a POT bay in the collocation space to the main distribution frame in Tennessee, since August 1999. Your response should include a description of what additional cabling work and racking work will have to be performed by a competitor under BellSouth's proposal, as well as an explanation of whether BellSouth admits this decreased amount of work requires a decreased collocation provisioning interval on the part of BellSouth.

25. In response to Issue 31, BellSouth has stated that "Covad is in the exact same situation that BellSouth is in. If there are no facilities that can be used to provide the services requested, then Covad, like BellSouth, will just have to wait until there are facilities available." Please provide information showing the average duration, in Tennessee, by month since August 1999 for which BellSouth retail DSL orders were held pending facilities.

26. In response to Issue 31, BellSouth has stated that “Covad is in the exact same situation that BellSouth is in. If there are no facilities that can be used to provide the services requested, then Covad, like BellSouth, will just have to wait until there are facilities available.” Please provide information showing the average duration, in Tennessee, by month since August 1999 for which BellSouth retail POTS orders were held pending facilities.

27. In response to Issue 31, BellSouth has stated that “Covad is in the exact same situation that BellSouth is in. If there are no facilities that can be used to provide the services requested, then Covad, like BellSouth, will just have to wait until there are facilities available.” Please provide information showing the average duration, in Tennessee, by month since August 1999 for which BellSouth retail ISDN orders were held pending facilities.

28. In response to Issue 31, BellSouth has stated that “Covad is in the exact same situation that BellSouth is in. If there are no facilities that can be used to provide the services requested, then Covad, like BellSouth, will just have to wait until there are facilities available.” Please provide information showing the average duration, in Tennessee, by month since August 1999 for which BellSouth retail T1 orders were held pending facilities.

29. Please provide information indicating the number of times since August 1999 that BellSouth has failed to deliver a paper bill and an electronic bill to Covad on the same day.

30. In response to Issue 32, BellSouth states, “The paper and electronic bills are generally rendered within 10 days of that bill date.” Please explain why it takes 10 days from the date the bill is produced to “render” the paper and electronic bills in Tennessee.

31. Please describe whether BellSouth is willing to pay Covad 1.5% interest per month for any amounts erroneously charged by BellSouth in Tennessee, paid by Covad, and held by BellSouth prior to the time that billing discrepancies are resolved.

This 26 day of February, 2001.

  
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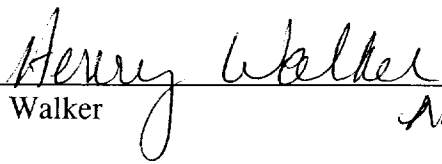
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Attorney for DIECA Communications, d/b/a  
Covad Communications Company

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been forwarded via U.S. Mail, postage prepaid, to the following on this the 26<sup>th</sup> day of February, 2001.

Guy Hicks, Esq.  
BellSouth Telecommunications, Inc.  
333 Commerce St., Suite 2101  
Nashville, TN 37201-3300

  
Henry Walker 